

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

David Colling,

Complainant,

vs.

**ORDER REGARDING
MOTION TO RECONSIDER**

Rebecca Otto,

Respondent.

Following the June 10, 2014 filing of a complaint, this matter was assigned to Administrative Law Judge Steve M. Mihalchick. Administrative Law Judge Mihalchick issued a Notice of Determination of Prima Facie Violation and Order for Prehearing Conference dated June 11, 2014. A Prehearing Conference was conducted on June 26, 2014.

Alan Weinblatt, Weinblatt & Gaylord, represents David Colling (Complainant) in this matter. Charles Nauen and David Zoll, Lockridge Grindal, Nauen, represent Rebecca Otto (Respondent).

On June 27, 2014, Complainant filed a Request for Reconsideration by Chief Administrative Law Judge of a Scheduling Order. In this filing, Complainant seeks an Order amending the Prehearing Order issued by Administrative Law Judge Mihalchick on June 27, 2014 in which the hearing was scheduled for August 20, 2014.

On July 1, 2014, Administrative Law Judge Mihalchick issued an Amended Prehearing Order in which: (1) a typographical error was corrected which related to the day of the week on which the motion for summary disposition would be heard; and (2) amended the date of hearing to coincide with the hearing on the motion for summary disposition, all in the interests of judicial economy.

On July 2, 2014, Respondent filed a Response to Complainant's Request for Reconsideration, opposing Complainant's motion and seeking an order striking the Amended Prehearing Order and reinstating the original Prehearing Order.

Based upon the submissions of the parties, the proceedings to date and the record in this matter,

IT IS HEREBY ORDERED THAT:

1. Complainant's Request for Reconsideration by Chief Administrative Law Judge of a Scheduling Order is **DENIED** as moot given the filing of the Amended Prehearing Order.

2. The Chief Administrative Law Judge specifically does not reach Complainant's argument regarding the tribunal's authority to consider a motion for summary disposition in cases brought pursuant to Minn. Stat. Chpt. 211B, nor address the apparent lack of authority for Complainant's motion for reconsideration directed to the Chief Administrative Law Judge with respect to a matter of scheduling.
3. The parties are directed to address future scheduling questions or concerns to Administrative Law Judge Steve Mihalchick in accordance with the processes, procedures and authorities of the Office of Administrative Hearings.

Dated: July 2, 2014

s/Tammy L. Pust

TAMMY L. PUST
Chief Administrative Law Judge